GOVERNMENT OF ANDHRA PRADESH ABSTRACT

Suits – LA – SRBC, Nandyal, Kurnool District - O.P.No. 1298/88 and Batch (4 cases) - Sanction of decretal charges of Rs.1,77,126/- – Orders – Issued.

IRRIGATION&CAD(PW.LA.II)DEPARTMENT

G.O.Rt.No. 431 Dated:10/06/2009.

Read :-

From the Spl.C.S. to Government & Chief Commissioner of Land Administration, A.P., Hyderabad, Letter No. SRP4/1220/2008, dt. 27/2/2008.

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ORDER:

The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad in the reference read above, has stated that the Spl.Collector, Srisailam Project, Kurnool has stated that an extent of Ac.62-15 Cts. situated in Pamulapadu (V) & (M) of Kurnool Dist. Was acquired for SRBC main canal and the Land Acquisition Officer has fixed the market value at Rs. 8000/- per acre in Award No. 5/85-86, dt. 22/2/1085. The awardees have filed their petitions U/s 18 of LA Act. The Sub.Oridinate Judge Court, Atmakur had delivered the judgement on 03/06/1988in OP No. 1278 and batch (31 cases) and enhancing the market value fixing by the fixed by the LAO from @ Rs. 8000/-to Rs. 12,000/- per acre. Since the enhancement is 50% only, the enhanced decretal amount of Rs. 4,26,829/- for all 31 cases in OP No. 1278/88 and batch was deposited in the Lower Court. But 26 out of 31 decree holders filed appeals before the Hon'ble High Court and they have been admitted in A.S.No. 2810/99 The Hon'ble High Court of Andhra Pradesh in its order dt. 28/03/2003 enhanced the market value from Rs. 12,000/- to Rs. 32,4000/- per Further, the Spl. Collector, SSP, Kurnool has informed that Award No. 05/85-86, dt. 22/2/1985, granted 12% Addl.Market Value from the date of notification till the date of award, i.e. from 28/4/84 to 22/2/85. Granted 30% Solatium on enhanced Market Value. Granted interest at 9% per annum from the date of possession for a period of one year i.e. from 26/6/84 and there after at 15% per annum till the date of payment on the enhanced compensation and solatium too. The Court also ordered that, the claimant is not entitled for any interest at 15% p.a. for 652 days in respect of OP No. 1298/88, 4752 days in r/o O.P.No. 25/90, 5408 days in r/o OP No. 27/90 and 3374 days in r/o OP No. 119/90. The Asst. Govt. Pleader, Nandyal, in OP No. 1298/88 & batch, dt. 17/11/05 has stated that the decision of the appeal is left to the discretion of the Referring Officer, as the previous enhancement made by the lower Court in the same Award have been confirmed by the Hon'ble High Court. As such, the SDC, LA SRBC has not filed appeal in the Hon'ble High Court against these 4 OP's and submitted the decretal charges for an amount of Rs. 2,67,237/- in respect of OP 1298/88 & batch (4 cases) pertaining to Pamulapadu(V)&(M) of Kurnool Dist. The CCLA, AP., Hyderabad has recommended for an amount of Rs. 1,77,126/with reference to Court orders.

- After careful examination of the matter, Government hereby accord 2. sanction for an amount of Rs.1,77,126/- (Rupees One Lakh Seventy Seven thousand one hundred and twenty six only) in respect of OP No. 1298/88 25/90, 27/90 and 119/90 (4 cases) pertaining to Pamulapadu(V) & (M) of Kurnool District, subject to verification whether the reference under Section 18(1) of the L.A. Act is made to the lower Court after following all the guidelines / directions on the subject and in case it is detected that Sec. 18 reference was made contrary to the rules / guidelines issued by the Government / Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government / Special Chief Secretary to Government and chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower Court.
- 3. The expenditure sanctioned in para (2) ante shall be debitable to following Head of Account under: "2701 –COL on Major and Medium Irrigation; 01 Major Irrigation (Commercial); MH 123 –SRBC; G.H. 11- Normal State Plan; S.H. (27) Canals and Distributaries; 530 Major Works; 532 Lands (charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.
- 4. This orders issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.2030/F4(1)/09-1, dt. 01/06/2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH

RAJIV RANJAN MISHRA SECRETARY TO GOVERNMENT

To

The Spl.Chief Secretary to Government & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.

The Spl.Collector, Srisailam Project, Kurnool The ENC, I&CAD, Hyderabad.

The SDC, SRBC, Nandyal

The Director of Works Accounts, Hyderabad.

Copy to:

P.S. to Minister (M&MI).

Finance (W&P) Dept./ C.No. 8023/LA.II(1)2008.

SF/Scs.

// FORWARDED BY ORDER //

SECTION OFFICER